

REMARKS

The Action identified different Groups of invention numbered as Groups I, II, III, IV, V, VI, VII, and VIII, and required election of one of the Groups of invention for examination.

Applicant elects Group I, which includes claims 1 – 78 and 117 – 120.

The Action also identified two species within in Group I as “(a) wherein the stable liposome composition is further autoclaved to produce a sterile and stable composition, claims 31 – 78, 117 and 119; or (b) wherein the liposome are not further treated with a sterilization step, claims 1 – 30, 118 and 120.” The Action required an election between these two species.

Application provisional elects the species identified as “(a) wherein the stable liposome composition is further autoclaved to produce a sterile and stable composition, claims 31 – 78, 117 and 119.” As indicated in the Action at least claims 31 – 78, 117 and 119 read on this species.

The Action identifies a second group of species and requires an election between “(i) a lipophilic amine and a pharmaceutically acceptable acid, wherein the pharmaceutically acceptable acid is selected from an organic or inorganic acid, and (ii) a pharmaceutically acceptable organic acid salt of a lipophilic amine, and optionally a pharmaceutically acceptable acid comprising a pharmaceutically acceptable organic acid.”

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Applicant provisionally elects the species identified as “(i) a lipophilic amine and a pharmaceutically acceptable acid, wherein the pharmaceutically acceptable acid is selected from an organic or inorganic acid.” The Action states that “claims 1 – 129 are generic with respect to the recited species.” At least claims 1 – 129 read on this species. All of the claims of Group I read on this species. All of claims 31 – 78, 117 and 119 read on this species.

Applicant traverses the restriction requirement and the requirement to provisionally elect a species. The search for all Groups and species would not be burdensome.

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Conclusion

If the Examiner believes that any additional matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicant respectfully submits that the present application, including claims 1 – 132, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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